

Message Text

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ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 AF-06 ARA-06 EA-07 NEA-10

CIAE-00 INR-07 NSAE-00 L-03 EB-07 COME-00 TRSE-00

JUSE-00 /069 W

----- 089773

R 010001Z NOV 75

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 3507

INFO USMISSION EC BRUSSELS

USMISSION OECD PARIS

USMISSION GENEVA

USDEL MTN GENEVA UNN

LIMITED OFFICIAL USE USUN 5539

E.O. 11652: N/A

TAGS: UNGA, EGEN

SUBJ: 30TH UNGA--ITEM 12, TRANSNATIONAL CORPORATIONS

REF: A. STATE 252910; B. USUN 5450

1. ON OCTOBER 31, WE MET WITH REPS OF UK, FRG, AND ITALY (SPOKESMAN SELECTED BY EC9) TO DISCUSS THE DRAFT RES ON CORRUPT PRACTICES CONTAINED IN A/C.2/L.1437. (MYERSON ALSO EMPHASIZED TO IRANIAN DEL US CONCERNS ON KEY POINTS.) TRANSMITTED BELOW ARE THE REVISIONS IN THE EXISTING TEXT WHICH WE AGREED AD REFERENDUM TO SEEK IN COMMON WITH UK, FRG, AND ITALY. EFFORT NOW WILL BE MADE TO SCHEDULE AN INFORMAL MEETING WITH THE COSPONSORS OF THE RES EARLY NEXT WEEK (NOVEMBER 3 OR 4) AND ATTEMPT TO NEGOTIATE THESE CHANGES.

2. WITH REGARD TO SPECIFIC POINTS:

A. WE ASSUME NEW FORMULATION "TRANSNATIONAL AND OTHER CORPORATIONS, INTERMEDIARIES, AND GOVERNMENT OFFICIALS" IS LIMITED OFFICIAL USE

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ACCEPTABLE. UK INSTRUCTED TO USE "TRANSNATIONAL AND NATIONAL" IN

THE PHRASE SO AS TO CONFORM IN OECD TERMINOLOGY; HOWEVER, FRG STRONGLY OPPOSED. PLEASE ADVISE IF WE HAVE ANYTHING AT STAKE IN THIS.

B. PROPOSED REVISION OF OP PARA 2 TAKES CARE OF OUR PROBLEM (E.G., "IN ACCORDANCE WITH ITS NATIONAL LAWS AND REGULATIONS") AND INTRODUCES ELEMENT OF LEGISLATIVE STANDARDS AS BASIS FOR ACTION.

C. OTHERS FELT STRONGLY THAT OP PARA 3 SHOULD BE RETAINED EMPHASIZING THAT PHRASE "WHICH THEY DEEM APPROPRIATE" TAKES AWAY ITS OBLIGATORY CHARACTER.

D. NEW OP PARA 5 IS FRG PROPOSALS AND APPEARS TO FALL WITHIN OUR GUIDELINES AND YET BE SOMEWHAT RESPONSIVE TO THE WANTS OF THE COSPONSORS.

3. SINCE, AS INDICATED ABOVE, WE HOPE TO INITIATE LINE-BY-LINE NEGOTIATIONS EARLY NEXT WEEK, WOULD APPRECIATE THE DEPT'S GUIDANCE SOONEST.

QTE: PROPOSED REVISION OF A/C.2/L.1437

1. CHANGE TITLE TO READ:
"MEASURES AGAINST CORRUPT PRACTICES INVOLVING TRANS-NATIONAL AND OTHER COOPERATIONS, AND INTERMEDIARIES AND GOVERNMENT OFFICIALS".

2. PREAMBULAR PARAGRAPH 1 TO READ:
"CONCERNED BY THE CORRUPT PRACTICES INVOLVING CERTAIN TRANSNATIONAL AND OTHER COOPERATIONS, AND INTERMEDIARIES AND GOVERNMENT OFFICIALS".

3. IN PREAMBULAR PARAGRAPH 3, CHANGE "CODE OF CONDUCT FOR TRANSNATIONAL COOPERATIONS" TO "CODE OF CONDUCT DEALING WITH TRANSNATIONAL COOPERATIONS".

4. IN PREAMBULAR PARAGRAPH 4, CHANGE FIRST WORD TO "RECALLING".

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5. OPERATIVE PARAGRAPH 1 TO READ:
"CONDEMNS IN THE MOST EMPHATIC TERMS CORRUPT PRACTICES, INCLUDING BRIBERY, INVOLVING TRANSNATIONAL AND OTHER COOPERATIONS, INTERMEDIARIES AND GOVERNMENT OFFICIALS, IN VIOLATION OF THE LAWS, REGULATES AND MORAL VALUES OF THE HOST COUNTRIES".

6. OPERATIVE PARAGRAPH 2 TO READ:

"REAFFIRMS THE RIGHT OF ANY STATE TO ADOPT LEGISLATION, INVESTIGATE AND TAKE LEGAL ACTION ON CORRUPT PRACTICES INVOLVING TRANSNATIONAL AND OTHER COOPERATIONS, INTER-MEDIARIES AND GOVERNMENT OFFICIALS".

7. IN OPERATIVE PARAGRAPH 3 INSERT THE WORD "SUCH" BETWEEN THE PHRASE "TO TAKE ALL" AND "NECESSARY MEASURES".

8. CHANGE THE CURRENT OPERATIVE PARAGRAPH 4 TO BE OPERATIVE PARAGRAPH 5.

9. REVISE OPERATIVE PARAGRAPH 5, (NOW OPERATIVE 4) TO READ: "CALLS UPON GOVERNMENTS OF HOME COUNTRIES TO COOPERATE WITH GOVERNMENTS OF HOST COUNTRIES IN THE INVESTIGATION AND PROSECUTION OF CORRUPT PRACTICES, INCLUDING BRIBERY, INVOLVING TRANSNATIONAL COOPERATIONS.

10. IN OPERATIVE PARAGRAPH 6, CHANGE THE PHRASE "THE QUESTION OF CORRUPT PRACTICES OF TRANSNATIONAL COOPERATIONS" TO READ: "THE QUESTION OF CORRUPT PRACTICES INVOLVING TRANSNATIONAL COOPERATIONS". UNQTE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CORRUPTION, DIPLOMATIC DISCUSSIONS, UNGA RESOLUTIONS, MULTINATIONAL CORPORATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USUNN05539
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750379-1075
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751184/aaaacxpz.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 252910
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 28 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 APR 2003 by BoyleJA>; APPROVED <29 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 30TH UNGA--ITEM 12, TRANSNATIONAL CORPORATIONS
TAGS: EGEN, US, UK, GE, IT, UNGA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006